

REMARKS

The rejections under 35 U.S.C. § 103(a) of:

Claims 1-8, 10 and 11 over U.S. 4,692,472 (Ingram et al) in view of U.S. 6,167,892 (Iwamoto et al) and U.S. 4,174,427 (Davis et al),

Claims 1-10 and 14 over U.S. 6,414,041 (Glück) in view of Iwamoto et al and Davis et al,

Claims 1, 12 and 13 over U.S. 6,221,926 (Oohara et al) in view of Iwamoto et al and Davis et al, are respectfully traversed.

The above-stated rejections are identical to the rejections made in the previous Office Action, the only difference being that the Examiner now relies on Davis et al. The Examiner, in the Response to Arguments, at page 9 of the present Office Action, found that Applicants' arguments were persuasive, and therefore withdrew the rejections. However, Davis et al does not remedy any of the deficiencies accepted by the Examiner, in effect, in withdrawing these rejections.

Davis et al is drawn to a method of making expandable polystyrene beads from a mixture including styrene, a free-radical initiator, and polyvinyl pyrrolidone, wherein after the beads are obtained, they are washed in a warm aqueous solution comprising a particular non-ionic surfactant in an amount effective to remove contaminating grafted polyvinyl pyrrolidone from the surface of the beads, prior to expanding the beads (column 1, lines 48-61).

Thus, Davis et al washes with their aqueous solution containing a non-ionic surfactant **to remove contaminating polyvinyl pyrrolidone** (emphasis added). However, neither Ingram et al, nor Glück, nor Oohara et al employ polyvinyl pyrrolidone in the preparation of their expandable polystyrene beads, respectively. Since there is no polyvinyl pyrrolidone

therein, what possible motivation can there be for one of ordinary skill in the art to look to Davis et al to solve a nonexistent problem? Clearly, there is no motivation.

In the presently-claimed invention, the washing is carried out in order to remove an inorganic phosphoric acid salt suspending agent. None of the applied prior art discloses or suggests the use of an aqueous solution containing a non-ionic surface-active agent for this purpose, let alone such a solution containing 0.005-2 % by weight of a non-ionic surface-active agent.

The Examiner acknowledges that Davis et al uses their surfactant to wash out polyvinyl pyrrolidone and not the phosphate herein. The Examiner then continues “[h]owever, washing out phosphate with non-ionic compounds is also possible.”

In reply, the above-quoted finding is Applicants’ invention, and does not appear in any of the applied prior art.

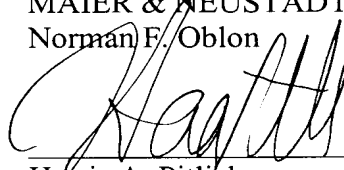
Applicants note further that Davis et al was previously applied in the Office Action dated March 26, 2007, which rejection was traversed in the amendment filed June 4, 2007. The arguments made in that amendment with regard to Davis et al are essentially the present arguments made above. In the Office Action dated August 27, 2007, in the Response to Arguments, the Examiner found those arguments persuasive. They are just as persuasive now.

For all the above reasons, it is respectfully requested that the rejections be withdrawn.

All of the presently-pending claims in this application are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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